

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

REC'D 04 NOV 2004

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To:

see form PCT/ISA/220

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/US2004/004792

International filing date (day/month/year)  
18.02.2004

Priority date (day/month/year)  
18.02.2003

International Patent Classification (IPC) or both national classification and IPC  
H04Q7/32

Applicant  
QUALCOMM, INCORPORATED

### 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

### 3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2004/004792

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
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**Box No. II Priority**

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1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

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**Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	7-15,21-29,34-41
	No: Claims	1-6,16-20,30-33
Inventive step (IS)	Yes: Claims	
	No: Claims	1-41
Industrial applicability (IA)	Yes: Claims	1-41
	No: Claims	

2. Citations and explanations

**see separate sheet**

**Re Item V.**

- 1 The following document is referred to in this communication:  
D1 : SARKAR S ET AL: "cdma2000 reverse link: design and system performance"  
2000 IEEE, vol. 6, 24 September 2000 (2000-09-24), pages 2713-2719,  
XP010525079
2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-, 16-20 and 30-33 is not new in the sense of Article 33(2) PCT.
- 2.1 Using the wording of claim 1, document D1 discloses (the references in parentheses applying to this document):

"A method for controlling power in a wireless communication system having multiple reverse-link communication channels (figure 1; page 2714, left-hand column, lines 1-3), the method comprising:

adjusting power levels of a first set of channels and a corresponding pilot channel (page 2714, left-hand column, lines 11-15; page 2714, right-hand column, lines 39-41); and

adjusting traffic-to-pilot ratios for one or more remaining channels independently of the power level of the pilot channel (page 2714, right-hand column, lines 19-23)."

Independent claims 16 and 30 define the equivalent features in terms of a system for controlling power in a wireless communication system and a base station to the corresponding method claim 1.

The subject-matter of independent claims 1, 16 and 30 is therefore not new.

- 2.2 The additional features of dependent claims 2-6, 17-20 and 31-33 are not new:
  - the additional features of claims 2, 17 and 31 are already known from document D1 (see page 2714, left-hand column, lines 11-15; page 2714, right-hand column, lines 39-41)
  - the additional features of claims 3-6, 18-20, 32 and 33 are considered to be implicit features in order to perform power control based on errors contained in the received data, such as the method disclosed in document D1

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

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3. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of dependent claims 7-15, 21-29 and 34-41 does not involve an inventive step in the sense of Article 33(3) PCT because it represents simple design details which are generally known to a person skilled in the field of mobile telecommunications or is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, in order to solve the problem posed.